

REMARKS

In an Office Action dated November 17, 2008, the Examiner rejected Claim 5 under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and rejected Claims 1 – 5 under 35 U.S.C. §101 as not falling within one of four statutory categories of invention. These rejections are respectfully traversed. Applicants have carefully reviewed the Examiner's rejections and comments as found in the Office Action dated November 17, 2008 and provide the following remarks regarding the Office Action. Claims 1 – 5 are pending in this application.

Claim Rejection – 35 USC §112, Second Paragraph

The Examiner rejected Claim 5 under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner rejected the terms, "said projection" as being indefinite as to whether it is the first or second projection. Applicants have amended Claim 5 to delete the terms "said projection based on." In light of the subsequent elements of Claim 5, it is believed that it is definite and distinctly claims the subject matter of the invention.

Additionally, the Examiner rejected the terms, "said multiplayer image" as lacking proper antecedent basis. The Examiner is correct in that the terms were intended to be "said multi-layer image." Applicants have amended Claim 5 accordingly.

It is therefore believed that the Examiner's rejections regarding Claim 5 have been overcome and are allowable under 35 U.S.C. §112, Second Paragraph.

Claim Rejection – 35 U.S.C. §101

The Examiner rejected Claims 1 – 5 under 35 U.S.C. §101 as not falling within one of four statutory categories of invention. Specifically, the Examiner states, "[t]he instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process."

Respectfully, the Applicants disagree with the Examiner's rejection. Applicants have amended independent Claims 1 and 5 to clarify that a digital computer is used in several of the significant elements in each of these claims. Support for these amendments are found throughout the specification, thus they do not constitute new matter. (Paras. 0061-0062, 0074, 0098-0105, 0107,

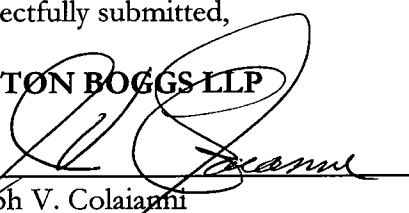
0109-0129) This computer transforms a 2D image into a rasterized image that is then printed on a lenticular lens material, thus producing a micro optical medium having 3D properties when viewed by a user.

The amended elements of independent Claims 1 and 5 positively recite a particular machine used to perform the steps of the process. Additionally, these elements are significant to the central purpose of the claimed invention, namely, converting a 2D image to a 3D image for display through a micro optical medium. Therefore, amended independent Claims 1 – 5 meet the *In re Bilski* test by tying the process to a particular machine (digital computer). Additionally, it meets the *In re Bilski* test by transforming underlying subject matter (2D image) to a different state or thing (micro optical medium having 3D viewing properties). It is believed that the Examiner's rejections regarding Claims 1 – 5 have been overcome and are allowable under 35 U.S.C. §101.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. A petition to revive an unintentionally abandoned application and related fees of \$810.00 are included with this amendment. If any other fee is due, please charge the deficiency to our Deposit Account No. 50-0709, under Order No. 011908.0124PTUS from which the undersigned is authorized to draw.

Respectfully submitted,

PATTON BOGGS LLP

By: 
Joseph V. Colaianni
Registration No.: 20,019
(202) 457-6000
(202) 457-6315 (Fax)
Attorney for Applicant

Dated: July 8, 2009

Customer No. 41434